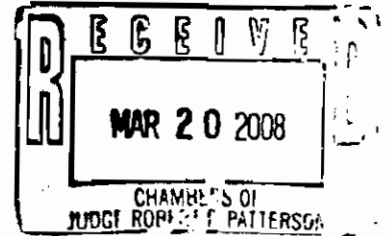


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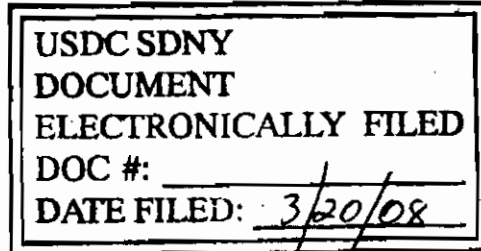
MEMO ENDORSED

March 20, 2008

VIA FACSIMILE

(212) 805-7917

Honorable Robert P. Patterson
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, New York 10007



Re: United States v. Rafael Barrios, Jr.
Docket No. 07-CR-658

Dear Judge Patterson:

Our office represent *Rafael Barrios* in connection with the above referenced matter. This letter is sent to inform Your Honor that due to clerical error on March 3, 2008 our office inadvertently filed an entirely unrelated document, as opposed to the Rule 29 Motion relevant to this case, via ECF.

We sincerely apologize for this mix up. Unfortunately, the staff member who is responsible for our ECF filing was out of the office on that date, and another staff member unfamiliar with the intricacies of ECF filing scanned the correct document, but accidentally filed by ECF another document in its stead. At that time, our staff member did take the additional step of providing by facsimile a courtesy copy of the correct document, Mr. Barrios' Rule 29 Motion, to Chambers.

We ask Your Honor, to allow Document #36 to be stricken from the docket sheet and to allow our office to substitute the correct document, Mr. Barrios' Rule 29 Motion, in its place via ECF.

Once again, our office apologies for any inconvenience our error has caused. In addition, we thank you in advance for your consideration and courtesy. If you should have any questions, please do not hesitate to contact the office.

Respectfully Submitted,

BARKET & ANGELI, P.C.

By:

Lenska Rodriguez
Legal Assistant

SEE TYPEWRITTEN MEMO
ENDORSEMENT ATTACHED

LR/bms

cc: David O'Neil (via facsimile)

Application Defendant's counsel having served a courtesy copy of the motion for a judgment of acquittal on Chambers on March 4, 2008, the Court finds it was the neglect for counsel filing the trial brief instead of its motion on March 3, 2008, and allows the motion to be filed retroactively on March 3, 2008. So ordered. [Signature] 3/20/08

Case: U.S. v. Rafael Barrios
Index No. 07 Cr. 658 (RPP)

MEMO ENDORSEMENT READS:

Application granted. Defendant's counsel having served a courtesy copy of the motion for a judgment of acquittal on Chambers on March 4, 2008, the Court finds excusable neglect for counsel's filing its trial brief instead of its motion on March 3, 2008, and allows the motion to be filed, nunc pro tunc, on March 3, 2008.

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 3/20/08